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IN THE UNITED STATES DISTRICT COURT FOR THE  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil No. 07-4762-PJH
	)	
CHARLES CATHCART <i>et al.</i>	)	UNITED STATES' RESPONSE TO
	)	CHARLES HSIN'S AND OPTECH
	)	LIMITED'S ADMINISTRATIVE
	)	MOTION FOR EXTENSION OF
	)	OF TIME TO ANSWER PLAINTIFF'S
	)	COMPLAINT

The United States respectfully submits this memorandum in response to Charles Hsin's ("Hsin") and Optech Limited's ("Optech") request for a second extension of time in which to respond to the United States' First Amended Complaint served on Hsin and Optech on May 13, 2008. The United States agrees that Hsin and Optech may have until July 15 for responding to

1 the complaint, but the United States also respectfully requests that the Court prohibit Hsin and  
2 Optech from seeking any further extensions of time beyond July 15. Any additional extensions of  
3 time will prejudice the United States' ability to prosecute its case.

4 Hsin and Optech were served with the First Amended Complaint (amended to add them  
5 and Franklin Thomason, another party, as defendants) on May 13, 2008. *See* Affidavit of Service,  
6 Dkt. # 74. Thus, each of their responses to the complaint would have been due on June 2, 2008.  
7 *See* Fed. R. Civ. P. 12.

8 At the end of May, counsel for Hsin and Optech contacted counsel for the United States  
9 and requested an extension of time for these defendants to respond to the complaint. *See*  
10 Stipulation for Enlargement of Time to File Answer ("Stipulation"), Dkt. # 69. Defendants'  
11 counsel explained that they had just been retained and that counsel needed time to learn the case  
12 and that designated ethics counsel needed time to assess whether there are any conflicts of interest  
13 that could preclude these attorneys from continuing to represent Hsin and Optech. *See id.*  
14 Accordingly, counsel for the United States agreed that defendants Hsin and Optech could have an  
15 additional 28 days in which to respond to the complaint; their responses to the complaint would  
16 be due on June 30, 2008. *See id.*

17 On June 17 and June 18, defendants' counsel faxed to the United States three letters  
18 requesting more time for their clients to respond to the complaint and also left a voice mail on  
19 June 20. In these letters and voice mail, defendants' counsel request a second extension of time  
20 for responding to the complaint because, among other things: (i) ethics counsel has been on  
21 vacation; (ii) defendants' counsel are considering settlement options for their clients; and (iii)  
22 defendants' counsel are trying to locate Franklin Thomason (the other recently-named defendant),  
23 to find out whether he wants to retain them as his counsel in this case. *See* June 17, 2008 letter,  
24 attached as Exhibit A.

25 None of these reasons justifies giving defendants more than sixty days to respond to the  
26 complaint, let alone permission to seek additional extensions after July 15, as defendants' counsel  
27 has proposed to the United States. First, defendants' counsel sought the first twenty-eight day  
28

